

COMPLAINT

Plaintiffs AE Ventures for Archie Murakami; AE Ventures for Elbert T. Saito; Eric G. Bollinger, Trustee of the P & R Irrevocable Trust dated 9/13/94; Irene M. Chinen (for Roy M. Chinen); Edward Y.C. Chun, Trustee of the Donald Kim Irrevocable Trust; Edward Y.C. Chun, Trustee of the Keneze Kim Irrevocable Trust; Commercial Sheetmetal Co., Inc., for Elbert T. Saito; Leticia A. Cuadro; Linda A. Cuppett; James N. Duca; Jack R. Dugied; John M. Enomoto; First Hawaiian Bank, Assignee for Valentine Peroff, Jr.; Kenneth T. Hashimoto; Roger M. Higa, Co-Trustee of the Charles A. Higa and Helen K. Higa Irrevocable Trust (for Charles A. Higa); Wayne H. Ichimura; Wayne M. Ichimura, Trustee of the Denise A. Higa-Ichimura Trust; Rory T. Itano; Beverly C. Kahahane; Kessner Duca Umebayashi Bain & Matsunaga for Elton John Bain; Kessner Duca Umebayashi Bain & Matsunaga for James N. Duca; Kessner Duca Umebayashi Bain & Matsunaga for Robert C. Kessner; Kessner Duca Umebayashi Bain & Matsunaga for Emma S. Matsunaga; Kessner Duca Umebayashi Bain & Matsunaga for Clyde Umebayashi; James S. Kimura, Trustee of the Gilbert J. Matsumoto Irrevocable Trust Dated June 19, 1991; D. Kimo Kippen; John T. Komeiji; Wray H. Kondo; Dorota Kowalska; Edward M. Kuba; Franklin T. Kudo, Trustee of the Benjamin Asa Kudo Irrevocable Trust; Neal K. Kunimura; Wayne T. Kunimura; Jeffrey P.S. Kunishige; Jo-Ann M.I. Kunishige; Debbie A.

Kuroiwa; Earl K. Kuroiwa; Joyce A. Lee, Co-Trustee of the Charles A. Higa and Helen K. Higa Irrevocable Trust (for Charles A. Higa); Dylan Leong; John A. Lockwood; Colleen K. Martin, Trustee of the Wayne H. Takamori Irrevocable Life Insurance Trust; Ernest M. Matsukawa (for Grace T. Matsukawa); Wayne T. Matsukawa; Wayne T. Matsukawa (for Grace T. Matsukawa); Emma S. Matsunaga; Carol K.N. Matsunaga, Trustee of the Albert Y. Kanno Irrevocable Trust; William N. Naganuma, Co-Trustee of the Shigeko Hata Irrevocable Trust; Stanley Y. Nakahara, Co-Trustee of the Shigeko Hata Irrevocable Trust; Dean S. Nakama; Allan S. Nakasone; Norman's Fender Shop, Inc. for Eileen H. Azama; Norman's Fender Shop, Inc. for Norman K. Azama; Michael T. Okada, Trustee of the Alton K. Fujii Irrevocable Trust; Michael T. Okada, Trustee of the Sandra M. Fujii Irrevocable Trust; Debra Y.K. Oxley; Puna Plantation Hawaii, Ltd., dba KTA Super Stores, for Craig T. Hamamoto; Puna Plantation Hawaii, Ltd., dba KTA Super Stores, for Derek Kurisu; Puna Plantation Hawaii, Ltd., dba KTA Super Stores, for Barry K. Taniguchi; Shaunagh G. Robbins (for Kenneth Robbins); Crystal K. Rose; Safety Systems Hawaii, Inc. for Albert Y. Kanno; Elizabeth T. Shelton (for Kirk Tyler Shelton); James S. Stone, Trustee of the Justin J. Isobe Irrevocable Trust (for John L. Reed); Karen M.N. Suwa, Trustee of the Nira K.C. Kurihara Irrevocable Trust; Avis T.W. Takamatsu; Robert T. Takamatsu; Owen R. Takemoto; The Consolidated Corp. for Paul D. Sperry; The Consolidated Corp. for

Peter D. Sperry; Elizabeth K. Towill (for Richard M. Towill); Richard S. Towill; Richard S. Towill (for Richard M. Towill); Kelvin I. Uto; Howard E. Uyehara; Varsity Motors, Ltd. for Robert S. Taga; Richard C. Wagner; Vern T. Yamauchi; Jeffrey J. Yee; Inocencio L. Abbatuan; Alfonso B. Acosta; Josanne L.K. Acosta; Helen Y. Akashi; Helen Y. Akashi (for Agnes S. Miura); Karen M. Alba; Ronald Alba; Ernest W. Albrecht; Kimberly R. Allen; Anbe, Aruga & Ishizu, Architects, Inc. for Mitsugi Aruga; Anbe, Aruga & Ishizu, Architects, Inc. for Hachiro Ishizu; Harold H. Arakawa; Harold H. Arakawa (for Earl N. Arakawa); Vivian M. Arakawa; Barbara Ann Asato; Clyde S. Asato; Glenn S. Asato; Jean S. Atsumi; Caroline E. Aylward; Henry W. Aylward; Jo Ann S. Baidack; Leslie T. Baker; Nathaniel W. Baker; Bank of Hawaii, formerly dba Pacific Century Trust, Trustee of the Frances M. Yamaki Irrevocable Trust; Bank of Hawaii, formerly dba Pacific Century Trust, Trustee of the Roy T. Yamaki Irrevocable Trust; Jill E. Baptist; Lucia P. Batoon; Lynette Becker; Richard Bell; Justino Bermodez; Myong S. Bermodez; Floyd F. Bock, Jr.; Patti Jo K.H. Bock; Melinda R. Bollinger; Karen Britos; Linda L. Caires; Frederick E. Calleon; Frederick E. Calleon (for Kevin M. Calleon); Frederick E. Calleon (for Ryan K. Calleon); Mark D. Campbell; Thelma T.C. Chang; Wah Chiu Chang, Trustee of the Wah Chiu Chang Revocable Living Trust; Wah Chiu Chang, Trustee of the Wah Chiu Chang Revocable Living Trust (for Annie K.S. Chang); Cheryl K. Chinen; Dean K. Chinen; Keith M.

Chinen; Ann S. Ching; Wilfred C.Y. Chock; Roberta Y.L. Chong Kee; Joanne S. ChongKee; Joanne S. ChongKee (for Craig ChongKee); Patrick H. ChongKee; Arthur A.H. Chow; Joy M. Chow; Christl Coleman; Violet H. Cook; Violet H. Cook (for Valta A. Cook); Theresa J. Cordi; Craig W. Cossey; Leslene Y. Cruz; Zita C. Cruz-Bristol; Dennis R. Cuizon; Jeffrey R. Cuppett; Linda S. Daida; Francis D. Daquioag, Jr.; Duane Delos Santos; Christie L. Doucet; Russell J. Doucet; Vilma K.Y. Dung; Wallace S.H. Dung; Alvin H. Ebisuya; Alvin H. Ebisuya (for Brant Ebisuya); Engineering Concepts, Inc. for Kenneth T. Ishizaki; Engineering Concepts, Inc. for Kay Muranaka; Engineering Concepts, Inc. for Barbara S. Sasaki; Damiana F.I. Espiritu; FCH Enterprises, Inc., Trustee of the Zippy's, Inc. Profit Sharing Plan for Miles M. Furuta; FCH Enterprises, Inc., Trustee of the Zippy's, Inc. Profit Sharing Plan for Barney S. Higa; FCH Enterprises, Inc., Trustee of the Zippy's, Inc. Profit Sharing Plan for Charles A. Higa; FCH Enterprises, Inc., Trustee of the Zippy's, Inc. Profit Sharing Plan for Tredious H. Kusaka; Kathleen Figueira; Russell Figueiroa; Ruth S. Fong; Paul D. Fowler; Allen H. Fujii; Jay S. Fujii; Francene Y. Fujioka; Francis S. Fujioka; Stanley M. Fujisaka; Roy K. Fujishige; Roy K. Fujishige (for Karen M. Fujishige); Stephanie M. Fukuoka; Steven H. Fukuoka (for Criss H. Fukuoka); Steven H. Fukuoka (for Joey Y.L. Fukuoka); Patsy M. Fukushima; Vic R. Garcia; Sachiko Gardner; Toshiko Garrett; Toshiko Garrett (for Albert K. Nakamoto); Claire C.

Gibo; Nora Ginoza; Stacey Y. Ginoza, Trustee for Stanley Ginoza; Marie A. Gonsalves; Marie A. Gonsalves (for David Gonsalves); Marie A. Gonsalves (for Gary K. Gonsalves); Roy D. Gonsalves; Mildred D. Goo; Sharon M. Goo; Roberta N. Goya-Oshiro; Grace's Drive Inn, Inc. for Takashi Kiyozuka; Grace's Drive Inn, Inc. for Yoko Kiyozuka; Terry T. Green; Felipe S. Guerrero; Susan S. Hagiwara; Gerald N. Hamada; Karen H. Hamada; Michael L. Hamada; Eleanor T. Handa; Eleanor T. Handa (for Rae M. McAllister); Robert J. Handa; Harlan F. Harada; Pamela M.H. Harada; Richard A. Hargrave; April Hasegawa (for Kyle Hasegawa); April Hasegawa (for Ronald M. Hasegawa); April Hasegawa (for Wade Hasegawa); Ronald M. Hasegawa; Wes E. Hashimoto; Carl K. Hatayama; Calvin K. Hayashi; Mark S. Hayashi; Audrey T. Hedani; Jan T. Hedani; Charles K. Hekekia; Charles K. Hekekia (for Chad K. Hekekia); Charles K. Hekekia (for Chaney K. Hekekia); Charles K. Hekekia (for Chauncy K. Hekekia); Charles K. Hekekia (for Chris K. Hekekia); Chazz K. Hekekia; Pualeinani K. Hekekia; Joleen T. Higa; Terry T. Higa; Terry T. Higa (for Lee Y. Higa); Terry T. Higa (for Ty T. Higa); Sadako Higashi; Takeshi Higashi; Vincent S. Higashi; Joan H. Higuchi; Charles C. Hill; Faye M. Hinochi; Eric Hinokawa; Mercedes Hinokawa; Howard K. Hirata (for Ayame Hirata); JoAnn M. Hirata; Patricia R. Hirata; Patricia R. Hirata (for Ayame Hirata); Ronald Y. Hirata; Roy A. Hirata; Roy A. Hirata (for Kavin I. Hirata); Janet S. Hirata-Pentz (for Ayame Hirata);

Magdalene K. Ho; Owen M. Ho; Corinne O. Hoffler-Omura; Hazel H. Hoke; Roy S. Honda; Todd M. Horita, Trustee of the Marian M. Horita Irrevocable Trust; Horwath Kam & Company for Amelia L. Kam; Horwath Kam & Company for Howard K. Kam, Jr.; Horwath Kam & Company for Susan E. Mita; Arlene P. Hue; Richard Hue; Richard Hue (for Keith Hue); Richard Hue (for Kevin Hue); Richard Hue (for Kurt Hue); Faye T. Ichimura; Wayne M. Ichimura; Tsutomu Ihara; Betty K. Ikeda; Dana W. Ikuta; Wendell Y. Ikuta; Anden D.U. Imamura; Ann K. Imamura; DeAnne K.M. Imamura; Dena L. Imamura; Dennis O. Imamura; Alexander L. In; Arthur K. Inada; Craig K. Inouye; Keiji Inuo; Masako Inuo; Kaoru Isagawa; Stanley N. Ishida; Steven K. Ishihara; Corlis O. Ishikawa; Taeko Ishikawa; Terrence T. Ishikawa; Alan I. Itsuno; Kenneth T. Iwai; Gloria L. Iwamoto; Mieko Iwamoto; Richard E. Iwasaki; Sue H. Iwasaki; Ritsuko Kaai; Patricia A. Kadokawa; Lea M. Kagawa; Lea M. Kagawa (for Agnes S. Miura); Kailua Land Company for Grace N. Maruyama; Clara M.H. Kajiwara; Jesse I. Kajiwara; Susan T. Kajiwara; Susan T. Kajiwara (for Jodi S. Kajiwara); Gregg K. Kakesako; Leatrice T. Kakesako; Arline S. Kakimoto; Raymond Y. Kakimoto; Kenneth J. Kaku; Henley K.H. Kam; Lynn M. Kam; Kenneth A. Kamakura, Trustee of the Aileen A. Kamakura Trust; Dwight K. Kamidoi; Burt S. Kamigaki; Burt S. Kamigaki (for Corrie F. Kamigaki); Burt S. Kamigaki (for Erin K. Kamigaki); Burt S. Kamigaki (for Kellie S. Kamigaki); Gail M. Kamitaki; Guy K.

Kamitaki; Lyle S. Kanemaru; Clara A. Kanno; Andrew M. Kasaoka; Andrew M. Kasaoka (for Kelly T. Kasaoka); Andrew M. Kasaoka (for Trent M. Kasaoka); Harold T. Kasaoka; June K. Kasaoka; Lorna T. Kasaoka; Earl Kashiwagi; Bernice S. Katada; Dianne N. Katsutani; Glenn A. Katsutani; Bertha K.W. Kaui; James A. Kawachika; Amy S. Kawamata; Bert I. Kawamoto; Helen H. Kayahara; Stephen W. Kear; Donna S. Kekina; Donna S. Kekina (for Bryce Kekina); Stanley K. Kekina; Lucille K. Kelley; Shawn A. Keolanui; Martha T. Kersting; Kneil K.J. Kim; Charles G. Kimura; Judith M. Kimura, Trustee of the Irrevocable Life Insurance Trust of Ronald K. Kimura; Kenneth S. Kimura; Ronald K. Kimura (for Ron Y. Kimura); Ronald K. Kimura (for Stan M. Kimura); Ronald K. Kimura (for Salena M. Makia); Ronald K. Kimura (for Dell H. Manini); Ronald K. Kimura (for Melanie M. Martin); Machiko Kinoshita (for Myra Kinoshita); Machiko Kinoshita (for Nobuo Kinoshita); Machiko Kinoshita (for William Kinoshita); Nobuo Kinoshita; Paul T. Kinoshita; Stephanie P. Kinoshita; Colin C. Kippen; Takashi Kiyozuka; Yoko Kiyozuka; Ivan T. Kobayashi (for Davis Kobayashi); Ivan T. Kobayashi (for Vance Kobayashi); Joanne T. Kobayashi; Lynn M. Kobayashi; Lynn M. Kobayashi (for Agnes S. Miura); Michael K. Kobayashi; Owen K. Kobayashi; Audrey M. Koga; Audrey M. Koga (for Marnie Hursty); Malcolm T. Koga, Trustee of the Carol S. Koga Irrevocable Trust; Marvin R. Koga; Sherri H. Koide; Blane H. Kojima; Henry K. Kojima; Henry K. Kojima (for

Evan S. Kojima); Terri-Lynn E. Kojima; Russell S. Kokubun; Midori M. Kono; Charlotte L. Koo; Charlotte L. Koo (for Leianne K. Koo Andrade); Charlotte L. Koo (for Nicole A.K. Kuamoo); Charlotte L. Koo (for Jane T. Suzuki); Kimiko Koyanagi; Barbara H. Kuba; Edward M. Kuba; Ralph Kuheana; Guy I. Kumashiro; Paul T. Kumashiro; Neal K. Kunimura; Ethel M. Kunishige; Chester C. Kunitake; Gilbert S. Kurata; Lynn Kurata; Daniel K. Kurose; Kenneth C.W. Kwock; Kenneth C.W. Kwock (for Philip G.G. Kwock); Kenneth C.W. Kwock (for Stephen G.H. Kwock); Queenie W. Kwock; Fotenciana K.J. La Benz; William F. Larsen, Jr.; Allen M. Lau; Maude Lau; Reid K. Lau; Walter T.Y. Lau; Winifred T. Lau; Gordon A. Lee; Gordon L. Lee; Linda K.L. Lee; Margaret R. Lee; Ronald E. Lee; Sue Young Sook Lee; Moana G.C.F. Leong; Debra B.J. Lew-Wong (for Tiffany M. Wong); Debra B.J. Lew-Wong (for Troy T. Wong); Debra B.J. Lew-Wong, Trustee of the Debra Lew-Wong Revocable Living Trust; Teruko Lewin; John W. Ling; Joyce C. Ling; Barry R. Lo; Gaylene M. Logan; Gaylene M. Logan (for Jordan K. Yoneda); Lokahi Pacific, Assignee for Sandra Nagano; Dennis M.C. Loui; Andrew K.S. Lyum; Matthew K.S. Lyum; Nancy K. Lyum; Michele T. Ma; Jacqueline M.J. Machiguchi-Moro; Donald B. MacKintosh II; Lois M. MacKintosh; Thomas S. Maeda; Dudley K. Makahanaloa; Saburo Makinodan; Cecilia D. Manungas; Richard R. Manungas; Patrice H. Mariucci; Colleen K. Martin; Colleen K. Martin,

Trustee of the Cynthia H. Takamori Irrevocable Life Insurance Trust; Colleen K. Martin, Trustee of the Wayne Takamori Irrevocable Life Insurance Trust; Janet C. Martin; Alice F. Maruyama; Dickson K. Maruyama, Trustee of the Dickson K. Maruyama Revocable Living Trust; Henry T. Maruyama; Carol M. Masuda; Sharon Y. Masuda; Donna K. Masuda-Kam (for Kelsey K. Kam); Donna K. Masuda-Kam (for Korey Kam); Charlene M. Matsumoto; Gilbert J. Matsumoto (for Eunice T. Matsumoto); Kenneth M. Matsumoto; Scott T. Matsumoto; Wayne K. Matsumoto; Jessie H. Matsunaga; Darlyn M. Mauricio; Darlyn M. Mauricio (for Kiana K. Raquino); Darlyn M. Mauricio (for Richard W. Raquino); Sandra L. McDowell; Seamus McManus; Mega Construction, Inc. for Marvin R. Koga; Mega Construction, Inc. for Milton M. Koga; Mega Construction, Inc. for Bert H. Kunihisa; Arleen E. Miho; Stanley M. Mikami; Gerald W. Miller; Kathleen M. Miller; Dale Y. Mitsui; Hideaki Mitsui; Michael T. Miyabara; Allan S. Miyamoto; Allan S. Miyamoto (for Brian Miyamoto); Dianne H. Miyamoto; Florence E. Miyasaki; Florence E. Miyasaki (for Kenzo Miyasaki); Albert T. Miyasato; Laurie K. Miyasato; Tiare L. Miyasato; Clifford H. Miyashiro; Rex K. Moriguchi; Alan Y. Mukai; Etsuko M. Murakami; George Y. Murakami; Iris Y.T. Murakami; Sadie D.M. Murakami (for Eunice T. Matsumoto); Walter J. Murakami; Kenneth M. Muranaka; Allen T. Murayama; Allen T. Murayama (for Stephanie H. Murayama); Carl A. Nacario; Lilian Y. Nagaji; Glenn S. Nagamine;

Dorothy S. Naguwa; Toshikatsu Naguwa; Doris I. Nakagawa; James Nakagawa; Walter M. Nakagawa; William O. Nakagawa; Ray T. Nakagawara; Valerie A.I. Nakahara; Stanley S. Nakakura; Masaru Nakama; Sachiko Nakama; Daniel Nakamoto; Larry Nakamoto; Lisa Ann K. Nakamoto; Alan M. Nakamura; Daniel K. Nakamura; Janet M. Nakamura; Judith Y. Nakamura (for Erica S. Nakamura); Judith Y. Nakamura (for Erin E. Nakamura); June C. Nakamura; Noboru Nakamura; Pamela M. Nakamura; Tamae Nakamura; Herbert M. Nakanishi; Evelyn Y. Nakasato; Glenn I. Nakasato; Imelda C. Nakasone; Jane K. Nakasone; Toshiko Nakasone; Toshiko Nakasone (for Kenneth T. Nakasone); Toshiko Nakasone (for Nathan I. Nakasone); Darin J. Nakasu; Clyde T. Nakayama; Judith N. Nakayama; Janet H. Naumu; Janet H. Naumu (for Garrett T. Naumu); Janet H. Naumu (for Tiffany K. Naumu); Janet H. Naumu (for Trisha-Ann K. Naumu); Lloyd T. Nekoba (for Dalene N. Dutertie); Lloyd T. Nekoba (for Devon M.T. Nekoba); Patricia A. Nekoba; Patricia A. Nekoba (for Dalene N. Dutertie); Patricia A. Nekoba (for Devon M.T. Nekoba); Darwin Y. Nikaido; Craig S. Nishida; Raymond M. Nishida; Jason K. Nishigata; Walter S. Nishigata; Lawrence M. Nishikawa; Shirley A. Nishikawa; Howard T. Nishimura; Laura M. Nishimura; Kenneth A. Nozaki; Kurt T. Nozaki; Oahu Painting & Decorating, Inc. for Jay S. Fujii; Lily M. Obatake; Paul S. Obatake; Sanford M. Oda; Verna S. Oda; Bruce K. Ogawa; Earl F. Ohara; Darryl H. Okemura;

Thomas T. Okimoto; Jay J. Omaye; Jeanne S. Omaye; Baron M. Omiya; Alice K. Omura; Jimmy K. Ong; Barbara Mae Ono; Stanley K. Ono; Stanley K. Ono (for Mildred S. Ono); David K. Oride; Jo Anne Y. Oride; Drezleen Oshiro; Ambrocio Pada, Jr.; Danilo L. Pascual; Danilo L. Pascual (for Felicidad Llacuna); Marguerite K. Paty; Jeanine L. Peters-Cossey; Gaudencio A. Ponciano; Helen E. Ponciano; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Richard Chinen; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Andrew Chun; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Sachiko T. Chun; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Harold C. Furtado, Jr.; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Gerald M. Haraguchi; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Keith T. Hayama; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Sayoko Kawasaki; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Glenn M. Kodama; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Colin Miura; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Melvin T. Morimoto; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Ronnie K. Sakoda; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Jon Taniguchi; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Vanessa M. Unoki; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Dale E. Waltjen; Raymond N. Rapalee; Francine V. Rapozo; Francine V. Rapozo (for Kyrus Fernandez); Theresa I. Redulla; Timoteo

Reyes; Daniel C. Sabido; James T. Saito; Jane H. Saito; Christine S. Sakaguchi; Kenneth T. Sakai; Carl M. Sakamoto; Karen M. Sakamoto; Marc W. Sakamoto; Marc W. Sakamoto (for Lynn N. Sakamoto); Russell M. Sakamoto; Patricia T. Sakuda; Sharon J. Santana; Marie H. Sapan; David H. Sasaki; Sherry C. Sasaki; Sato & Associates, Inc. for Richard M. Sato; Richard M. Sato; Bruce Savage; Colette Savage; Karen S. Sawai; Linda K. Sawai; Sadao Sawai; Denise Sedeno; Alan T. Sekigawa; Stanley Y. Sekiya; Ok Hui Sellari; Shari Leigh A. Seshiki; Mizuho Shimizu; Shaun A. Shimizu; Chiyo Shimokawa; Takashi Shirai; Sachiko Shiramizu; Doris S. Shiroma; Kris H. Shiroma; Seiko Shiroma; Michael J. Singlehurst; Antony P. Smart; William E. Spencer; Ronald E. Sprink; Thomas M. Suekawa; Thomas M. Suekawa, Trustee of the Glenn Ebisuzaki Trust; Carol S. Sueyoshi; Geraldine J.K. Sugai; Pok Hui Kim Sugita; Walter Y. Sugiura; Amy T. Sumida; Jo-Ann N. Sumida; Stuart T. Suzuki; Sakae C. Tachino (for Shawna Masuda); Terry R. Tadaki; Todd T. Tadaki; Robert S. Taga; Josefina R. Taitaiau; Scott I. Takahashi; Gordon K. Takaki; Edwin T. Takara; Shinichi Takara; Dana S. Takashima; Rebecca A.W. Takashima; Beverly S. Takemoto; Helen T. Takesue; Jarrod J. Takesue; Harumi Takuma; Russell H. Takuma; Inez S. Takushi; Miles M. Takushi; Wayne J. Tamane; Mineko Tamashiro; Holly K.M. Tamura; Paulette J. Tamura; Clifford T. Tanaka; Henry K. Tancayo, Sr.; Kris Teruya; Edna K. Timario; Lucille T. Togashi; Robert T. Togashi; Sue A. Tokuuke; Wilfred S.

Tokuuke; Penelope Tom; Terrance W.H. Tom; Warren I. Tomimoto; Eric H. Tomita; Lori M. Tomita; Ricky N. Tomita; Faith Tomoyasu, Trustee of the Sakae Tachino Trust; Raymond H. Toyama; Ernest H. Tsugawa (for Wendy N. Tsugawa); Rachel T. Tsuneyoshi (for Ralph T. Yamaki); Vincent G. Tsushima, Trustee of the William Torao Tsushima Revocable Trust; Francis A. Uchino; Jayna C. Uyehara; Jolene A. Uyehara Auvil; Lani A. Uyeno; Roylinne F. Wada; Waipahu Hardware & Lumber Supply Co., Ltd. for Atom G. Yamaki; Barbara A. Wakatake; Barbara A. Wakatake (for Clifford K. Wakatake); Dana E. Walters; Jon H. Warashina; Jon H. Warashina (for Tricia M.J.K. Warashina); Richard N. West; Kolleen L. Wheeler; Robert B. Wheeler, aka R. Bruce Wheeler; Kathleen M.I. Whitt; Leonard Kwai Hin Wong, Trustee of the Leonard Kwai Hin Wong Revocable Living Trust Dated 10/6/97; Dale M. Yabiku; Naomi Y. Yabiku; Gail S. Yafuso; Atom G. Yamaki (for Ralph T. Yamaki); Steven S. Yamaki, Trustee of the Harriet T. Yamaki Irrevocable Life Insurance Trust; Bruce T. Yamamoto; Clyde Yamamoto; Dale Y. Yamamoto; Jan N. Yamamoto, Trustee of the Wesley K. Yamamoto Irrevocable Trust; Jean K. Yamamoto; Wayne T. Yamamoto; Wesley K. Yamamoto, Trustee of the Jan N. Yamamoto Irrevocable Trust; Arnold M. Yamane; Ronald H. Yamane; Ronald H. Yamane (for Karlyn M. Yamane); Ronald H. Yamane (for Koleen M. Yamane); Vicki M. Yamane; Nancy A. Yamasaki; Richard Y. Yamasaki; Gladys S. Yamashiro; Herbert Y.

Yamashiro; Herbert Y. Yamashiro (for Kimberly M. Yamashiro); Leanna S. Yamauchi; Larry A. Yonemura; Marlene H.M. Yong; Marlene H.M. Yong (for Jason K. Yong); Marlene H.M. Yong (for Lancelot M.K. Yong); Mark M. Yoshida; Patrick M. Yoshihara; Patricia Yoshimoto (for Myron T. Yoshimoto); Harvey Y. Yoshioka; Jack F. Yoshishige; Roy I. Yoshizumi; Carolyn Young; Earl S. Young (for Erwin S.T. Young); Earl S. Young (for Michael P. Wooden); Erwin S.T. Young; Erwin S.T. Young (for Earl S. Young); Erwin S.T. Young (for Michael P. Wooden); Tomoyo Yuruki (for Rodney Kondo); Sheryl T. Zukeran (“Plaintiffs” or “Policyholders”), through their attorneys, Cronin, Fried, Sekiya, Kekina & Fairbanks and Davis Levin Livingston Grande, file this complaint for damages and injunctive relief for an unfair and deceptive scheme perpetrated by Defendants CONSECO, INC and CONSECO LIFE INSURANCE COMPANY and by Conseco Life Insurance Company’s two predecessor entities, Philadelphia Life Insurance Company and Massachusetts General Life Insurance Company, in the sale of life insurance policies called “Lifestyle” and “Lifetime” Policies (hereinafter, Conseco Life Insurance Company, Massachusetts General Life Insurance Company, and Philadelphia Life Insurance Company are collectively referred to as “Conseco Life”) and allege, based on the best of Plaintiffs’ knowledge, information, and belief, as follows:

I. BACKGROUND

Beginning in the late 1980s, Conseco Life sold Lifestyle and Lifetime insurance policies by promising its policyholders that their insurance premiums would only be increased by certain factors listed in the insurance policy. Conseco Life policyholders were also shown projected premium illustrations that -- although not guaranteed -- were intended to represent reasonable estimates based upon the disclosed rate factors.

However, unknown to Plaintiffs, Conseco Life had calculated its premiums using an additional undisclosed factor ("R-Factor"), which had the effect of illustrating reduced premiums while allowing Conseco Life to collect a larger share of premiums paid to it in the early years of the policy. In addition, Conseco Life's policies were apparently structured on an undisclosed assumption that a significant number of policyholders would not renew their policies before death benefits became payable.

In August 2003, Conseco Life changed the method by which rates were calculated by removing the R-Factor reduction. As a result, the Lifestyle and Lifetime policy premiums skyrocketed, forcing policyholders to either 1) pay exorbitant premiums or 2) cash in their policies or 3) let their policies lapse.

The decision to remove the R-factor was made to promote the interest of Conseco, Inc., the ultimate parent of Conseco Life. Conseco, Inc., exercised

complete dominion and control over Conseco Life and other subsidiaries.

Conseco, Inc., was emerging from bankruptcy protection in August 2003, and desired to enhance its financial statements so that it could raise money in the public financial markets. Conseco, Inc., sought to improve its balance sheet by inducing policyholders to cancel policies as a result of massive rate increases.

In notices sent to Lifestyle policyholders in August 2003 and to Lifetime policyholders in February 2004, explaining its increased charges, Conseco Life identified the R-factor for the first time, and gave a misleading account of why it could no longer offer the “subsidy” to policyholders. At the same time Conseco Life improperly demanded that those policyholders wishing to surrender their policies would need to sign a document releasing Conseco Life from any liability.

The Plaintiffs in this action were particularly susceptible to Conseco Life’s unfair and deceptive actions. Many of them are elders and others who can not purchase comparable insurance at the premium rates charged by Conseco Life before it unfairly and deceptively eliminated the R-factor. Others have been encouraged to replace their policies because of Conseco Life’s unfair and deceptive actions, resulting in a wrongful windfall to Conseco Life which has eliminated its obligation to make future benefit payments while retaining premiums paid.

Based on Conseco Life's unfair and deceptive conduct, this lawsuit seeks to hold Defendants liable for compensatory and mandatory treble or punitive damages or, as appropriate and at the election of the policyholder, seeks equitable reinstatement of the policy.

II. PARTIES

1. Plaintiffs AE Ventures, for Archie Murakami; AE Ventures, for Elbert T. Saito; Irene M. Chinen (for Roy M. Chinen); Edward Y.C. Chun, Trustee of Donald Kim Irrevocable Trust; Edward Y.C. Chun, Trustee of Keneze Kim Irrevocable Trust; Commercial Sheetmetal Co., Inc., for Elbert T. Saito; Leticia A. Cuadro; Linda A. Cuppett; James N. Duca; Jack R. Dugied; John M. Enomoto; First Hawaiian Bank, Assignee for Valentine Peroff, Jr.; Kenneth T. Hashimoto; Roger M. Higa, Co-Trustee of Charles A. Higa and Helen K. Higa Irrevocable Trust (for Charles A. Higa); Wayne H. Ichimura; Wayne M. Ichimura, Trustee of Denise A. Higa-Ichimura Trust; Rory T. Itano; Beverly C. Kahahane; Kessner Duca Umebayashi Bain & Matsunaga, for Elton John Bain; Kessner Duca Umebayashi Bain & Matsunaga, for James N. Duca; Kessner Duca Umebayashi Bain & Matsunaga, for Robert C. Kessner; Kessner Duca Umebayashi Bain & Matsunaga, for Emma S. Matsunaga; Kessner Duca Umebayashi Bain & Matsunaga, for Clyde Umebayashi; James S. Kimura, Trustee of Gilbert J. Matsumoto Irrevocable Trust dated June 19, 1991; John T. Komeiji; Wray H.

Kondo; Edward M. Kuba; Franklin T. Kudo, Trustee for the Benjamin Asa Kudo Irrevocable Trust; Neal K. Kunimura; Wayne T. Kunimura; Jeffrey P.S. Kunishige; Jo-Ann M.I. Kunishige; Joyce A. Lee, Co-Trustee of Charles A. Higa and Helen K. Higa Irrevocable Trust (for Charles A. Higa); Dylan Leong; John A. Lockwood; Colleen K. Martin, Trustee of Wayne H. Takamori Irrevocable Life Insurance Trust; Ernest M. Matsukawa (for Grace T. Matsukawa); Wayne T. Matsukawa; Wayne T. Matsukawa (for Grace T. Matsukawa); Emma S. Matsunaga; Carol K.N. Matsunaga, Trustee of Albert Y. Kanno Irrevocable Trust; William N. Naganuma, Co-Trustee of Shigeko Hata Irrevocable Trust; Stanley Y. Nakahara, Co-Trustee of Shigeko Hata Irrevocable Trust; Dean S. Nakama; Allan S. Nakasone; Norman's Fender Shop, Inc. for Eileen H. Azama; Norman's Fender Shop, Inc. for Norman K. Azama; Michael T. Okada, Trustee of Alton K. Fujii Irrevocable Trust; Michael T. Okada, Trustee of Sandra M. Fujii Irrevocable Trust; Debra Y.K. Oxley; Puna Plantation Hawaii, Ltd., dba KTA Super Stores, for Craig T. Hamamoto; Puna Plantation Hawaii, Ltd., dba KTA Super Stores, for Derek Kurisu; Puna Plantation Hawaii, Ltd., dba KTA Super Stores, for Barry K. Taniguchi; Shaunagh G. Robbins (for Kenneth Robbins); Crystal K. Rose; Safety Systems Hawaii, Inc., for Albert Y. Kanno; Elizabeth T. Shelton (for Kirk Tyler Shelton); James S. Stone, Trustee of Justin J. Isobe Irrevocable Trust (for John L. Reed); Karen M.N. Suwa, Trustee of Nira K.C. Kurihara Irrevocable Trust;

Avis T.W. Takamatsu; Robert T. Takamatsu; Owen R. Takemoto; The Consolidated Corp., for Paul D. Sperry; The Consolidated Corp., for Peter D. Sperry; Richard S. Towill; Richard S. Towill (for Richard M. Towill); Kelvin I. Uto; Howard E. Uyehara; Varsity Motors, Ltd. for Robert S. Taga; Richard C. Wagner; Vern T. Yamauchi; Jeffrey J. Yee; Inocencio L. Abbatuan; Alfonso B. Acosta; Josanne L.K. Acosta; Karen M. Alba; Ronald Alba; Ernest W. Albrecht; Anbe, Aruga & Ishizu, Architects, Inc. for Mitsugi Aruga; Anbe, Aruga & Ishizu, Architects, Inc. for Hachiro Ishizu; Harold H. Arakawa; Harold H. Arakawa (for Earl N. Arakawa); Vivian M. Arakawa; Barbara Ann Asato; Clyde S. Asato; Glenn S. Asato; Jean S. Atsumi; Caroline E. Aylward; Henry W. Aylward; Jo Ann S. Baidack; Nathaniel W. Baker; Bank of Hawaii, formerly dba Pacific Century Trust, Trustee of the Frances M. Yamaki Irrevocable Trust; Bank of Hawaii, formerly dba Pacific Century Trust, Trustee of the Roy T. Yamaki Irrevocable Trust; Jill E. Baptist; Lucia P. Batoon; Lynette Becker; Richard Bell; Justino Bermodez; Myong S. Bermodez; Floyd F. Bock, Jr.; Patti Jo K.H. Bock; Karen Britos; Linda L. Caires; Frederick E. Calleon; Frederick E. Calleon (for Kevin M. Calleon); Frederick E. Calleon (for Ryan K. Calleon); Thelma T.C. Chang; Wah Chiu Chang, Trustee of the Wah Chiu Chang Revocable Living Trust; Wah Chiu Chang, Trustee of the Wah Chiu Chang Revocable Living Trust (for Annie K.S. Chang); Cheryl K. Chinen; Dean K. Chinen; Keith M. Chinen; Ann S.

Ching; Wilfred C.Y. Chock; Roberta Y.L. Chong Kee; Joanne S. ChongKee; Joanne S. ChongKee (for Craig ChongKee); Patrick H. ChongKee; Arthur A.H. Chow; Joy M. Chow; Christl Coleman; Violet H. Cook; Violet H. Cook (for Valta A. Cook); Craig W. Cossey; Leslene Y. Cruz; Zita C. Cruz-Bristol; Dennis R. Cuizon; Jeffrey R. Cuppett; Linda S. Daida; Francis D. Daquioag, Jr.; Duane Delos Santos; Vilma K.Y. Dung; Wallace S.H. Dung; Alvin H. Ebisuya; Alvin H. Ebisuya (for Brant Ebisuya); Engineering Concepts, Inc. for Kenneth T. Ishizaki; Engineering Concepts, Inc. for Kay Muranaka; Engineering Concepts, Inc. for Barbara S. Sasaki; Damiana F.I. Espiritu; FCH Enterprises, Inc., Trustee of the Zippy's, Inc. Profit Sharing Plan for Miles M. Furuta; FCH Enterprises, Inc., Trustee of the Zippy's, Inc. Profit Sharing Plan for Barney S. Higa; FCH Enterprises, Inc., Trustee of the Zippy's, Inc. Profit Sharing Plan for Charles A. Higa; FCH Enterprises, Inc., Trustee of the Zippy's, Inc. Profit Sharing Plan for Tredious H. Kusaka; Kathleen Figueira; Russell Figueiroa; Ruth S. Fong; Paul D. Fowler; Allen H. Fujii; Jay S. Fujii; Francene Y. Fujioka; Francis S. Fujioka; Stanley M. Fujisaka; Roy K. Fujishige; Roy K. Fujishige (for Karen M. Fujishige); Stephanie M. Fukuoka; Steven H. Fukuoka (for Criss H. Fukuoka); Steven H. Fukuoka (for Joey Y.L. Fukuoka); Patsy M. Fukushima; Vic R. Garcia; Sachiko Gardner; Toshiko Garrett; Toshiko Garrett (for Albert K. Nakamoto); Claire C. Gibo; Nora Ginoza; Stacey Y. Ginoza, Trustee for Stanley Ginoza; Marie A.

Gonsalves; Marie A. Gonsalves (for David Gonsalves); Marie A. Gonsalves (for Gary K. Gonsalves); Roy D. Gonsalves; Mildred D. Goo; Roberta N. Goya-Oshiro; Grace's Drive Inn, Inc. for Takashi Kiyozuka; Grace's Drive Inn, Inc. for Yoko Kiyozuka; Felipe S. Guerrero; Susan S. Hagiwara; Gerald N. Hamada; Karen H. Hamada; Michael L. Hamada; Eleanor T. Handa; Eleanor T. Handa (for Rae M. McAllister); Robert J. Handa; Harlan F. Harada; Pamela M.H. Harada; Richard A. Hargrave; April Hasegawa (for Kyle Hasegawa); April Hasegawa (for Ronald M. Hasegawa); April Hasegawa (for Wade Hasegawa); Ronald M. Hasegawa; Wes E. Hashimoto; Carl K. Hatayama; Calvin K. Hayashi; Mark S. Hayashi; Audrey T. Hedani; Jan T. Hedani; Charles K. Hekekia; Charles K. Hekekia (for Chad K. Hekekia); Charles K. Hekekia (for Chaney K. Hekekia); Charles K. Hekekia (for Chauncy K. Hekekia); Charles K. Hekekia (for Chris K. Hekekia); Chazz K. Hekekia; Pualeinani K. Hekekia; Joleen T. Higa; Terry T. Higa; Terry T. Higa (for Lee Y. Higa); Terry T. Higa (for Ty T. Higa); Sadako Higashi; Takeshi Higashi; Vincent S. Higashi; Joan H. Higuchi; Charles C. Hill; Faye M. Hinochi; Eric Hinokawa; Mercedes Hinokawa; Howard K. Hirata (for Ayame Hirata); JoAnn M. Hirata; Patricia R. Hirata; Patricia R. Hirata (for Ayame Hirata); Ronald Y. Hirata; Roy A. Hirata; Roy A. Hirata (for Kavin I. Hirata); Janet S. Hirata-Pentz Hirata (for Ayame Hirata); Magdalene K. Ho; Owen M. Ho; Corinne O. Hoffler-Omura; Hazel H. Hoke; Roy S. Honda; Todd M. Horita, Trustee of the Marian M. Horita

Irrevocable Trust; Horwath Kam & Company for Amelia L. Kam; Horwath Kam & Company for Howard K. Kam, Jr.; Horwath Kam & Company for Susan E. Mita; Arlene P. Hue; Richard Hue; Richard Hue (for Keith Hue); Richard Hue (for Kevin Hue); Richard Hue (for Kurt Hue); Faye T. Ichimura; Wayne M. Ichimura; Tsutomu Ihara; Betty K. Ikeda; Dana W. Ikuta; Wendell Y. Ikuta; Anden D.U. Imamura; Ann K. Imamura; DeAnne K.M. Imamura; Dena L. Imamura; Dennis O. Imamura; Alexander L. In; Arthur K. Inada; Craig K. Inouye; Keiji Inuo; Masako Inuo; Kaoru Isagawa; Stanley N. Ishida; Corlis O. Ishikawa; Taeko Ishikawa; Terrence T. Ishikawa; Alan I. Itsuno; Kenneth T. Iwai; Gloria L. Iwamoto; Mieko Iwamoto; Richard E. Iwasaki; Sue H. Iwasaki; Ritsuko Kaai; Lea M. Kagawa; Lea M. Kagawa (for Agnes S. Miura); Clara M.H. Kajiwara; Jesse I. Kajiwara; Susan T. Kajiwara; Susan T. Kajiwara (for Jodi S. Kajiwara); Gregg K. Kakesako; Leatrice T. Kakesako; Arline S. Kakimoto; Raymond Y. Kakimoto; Kenneth J. Kaku; Henley K.H. Kam; Lynn M. Kam; Kenneth A. Kamakura, Trustee of the Aileen A. Kamakura Trust; Dwight K. Kamidoi; Burt S. Kamigaki; Burt S. Kamigaki (for Corrie F. Kamigaki); Burt S. Kamigaki (for Erin K. Kamigaki); Burt S. Kamigaki (for Kellie S. Kamigaki); Gail M. Kamitaki; Guy K. Kamitaki; Lyle S. Kanemaru; Clara A. Kanno; Andrew M. Kasaoka; Andrew M. Kasaoka (for Kelly T. Kasaoka); Andrew M. Kasaoka (for Trent M. Kasaoka); Harold T. Kasaoka; June K. Kasaoka; Lorna T. Kasaoka; Earl

Kashiwagi; Bernice S. Katada; Dianne N. Katsutani; Glenn A. Katsutani; Bertha K.W. Kaui; James A. Kawachika; Amy S. Kawamata; Bert I. Kawamoto; Helen H. Kayahara; Stephen W. Kear; Donna S. Kekina; Donna S. Kekina (for Bryce Kekina); Stanley K. Kekina; Lucille K. Kelley; Shawn A. Keolanui; Martha T. Kersting; Kneil K.J. Kim; Charles G. Kimura; Judith M. Kimura, Trustee of the Irrevocable Life Insurance Trust of Ronald K. Kimura; Kenneth S. Kimura; Ronald K. Kimura (for Ron Y. Kimura); Ronald K. Kimura (for Stan M. Kimura); Ronald K. Kimura (for Salena M. Makia); Ronald K. Kimura (for Dell H. Manini); Ronald K. Kimura (for Melanie M. Martin); Machiko Kinoshita (for Myra Kinoshita); Machiko Kinoshita (for Nobuo Kinoshita); Machiko Kinoshita (for William Kinoshita); Nobuo Kinoshita; Paul T. Kinoshita; Stephanie P. Kinoshita; Colin C. Kippen; Takashi Kiyozuka; Yoko Kiyozuka; Ivan T. Kobayashi (for Davis Kobayashi); Ivan T. Kobayashi (for Vance Kobayashi); Joanne T. Kobayashi; Lynn M. Kobayashi; Lynn M. Kobayashi (for Agnes S. Miura); Michael K. Kobayashi; Owen K. Kobayashi; Audrey M. Koga; Audrey M. Koga (for Marnie Hursty); Malcom T. Koga, Trustee of the Carol S. Koga Irrevocable Trust; Marvin R. Koga; Sherri H. Koide; Blane H. Kojima; Henry K. Kojima; Henry K. Kojima (for Evan S. Kojima); Terri-Lynn E. Kojima; Russell S. Kokubun; Midori M. Kono; Charlotte L. Koo; Charlotte L. Koo (for Leianne K. Koo Andrade); Charlotte L. Koo (for Nicole A.K. Kuamoo); Charlotte L. Koo (for

Jane T. Suzuki); Kimiko Koyanagi; Barbara H. Kuba; Edward M. Kuba; Ralph Kuheana; Guy I. Kumashiro; Paul T. Kumashiro; Neal K. Kunimura; Ethel M. Kunishige; Chester C. Kunitake; Gilbert S. Kurata; Lynn Kurata; Daniel K. Kurose; Kenneth C.W. Kwock; Kenneth C.W. Kwock (for Philip G.G. Kwock); Kenneth C.W. Kwock (for Stephen G.H. Kwock); Queenie W. Kwock; Fotenciana K.J. La Benz; William F. Larsen, Jr.; Allen M. Lau; Maude Lau; Reid K. Lau; Walter T.Y. Lau; Winifred T. Lau; Gordon A. Lee; Gordon L. Lee; Linda K.L. Lee; Margaret R. Lee; Ronald E. Lee; Sue Young Sook Lee; Moana G.C.F. Leong; Debra B.J. Lew-Wong (for Tiffany M. Wong); Debra B.J. Lew-Wong (for Troy T. Wong); Debra B.J. Lew-Wong, Trustee of the Debra Lew-Wong Revocable Living Trust; Teruko Lewin; John W. Ling; Joyce C. Ling; Gaylene M. Logan; Gaylene M. Logan (for Jordan K. Yoneda); Lokahi Pacific, Assignee for Sandra Nagano; Dennis M.C. Loui; Matthew K.S. Lyum; Nancy K. Lyum; Michele T. Ma; Donald B. MacKintosh II; Lois M. MacKintosh; Thomas S. Maeda; Dudley K. Makahanaloa; Saburo Makinodan; Cecilia D. Manungas; Richard R. Manungas; Colleen K. Martin; Colleen K. Martin, Trustee of the Cynthia H. Takamori Irrevocable Life Insurance Trust; Colleen K. Martin, Trustee of the Wayne Takamori Irrevocable Life Insurance Trust; Janet C. Martin; Alice F. Maruyama; Henry T. Maruyama; Carol M. Masuda; Sharon Y. Masuda; Donna K. Masuda-Kam (for Kelsey K. Kam); Donna K. Masuda-Kam (for Korey Kam);

Charlene M. Matsumoto; Gilbert J. Matsumoto (for Eunice T. Matsumoto);
Kenneth M. Matsumoto; Scott T. Matsumoto; Wayne K. Matsumoto; Jessie H.
Matsunaga; Darlyn M. Mauricio; Darlyn M. Mauricio (for Kiana K. Raquino);
Darlyn M. Mauricio (for Richard W. Raquino); Sandra L. McDowell; Mega
Construction, Inc. for Marvin R. Koga; Mega Construction, Inc. for Milton M.
Koga; Mega Construction, Inc. for Bert H. Kunihisa; Arleen E. Miho; Stanley M.
Mikami; Gerald W. Miller; Kathleen M. Miller; Dale Y. Mitsui; Hideaki Mitsui;
Michael T. Miyabara; Allan S. Miyamoto; Allan S. Miyamoto (for Brian
Miyamoto); Dianne H. Miyamoto; Florence E. Miyasaki; Florence E. Miyasaki
(for Kenzo Miyasaki); Albert T. Miyasato; Laurie K. Miyasato; Tiare L. Miyasato;
Clifford H. Miyashiro; Alan Y. Mukai; Etsuko M. Murakami; George Y.
Murakami; Iris Y.T. Murakami; Sadie D.M. Murakami (for Eunice T. Matsumoto);
Walter J. Murakami; Kenneth M. Muranaka; Allen T. Murayama; Allen T.
Murayama (for Stephanie H. Murayama); Carl A. Nacario; Lilian Y. Nagaji;
Glenn S. Nagamine; Dorothy S. Naguwa; Toshikatsu Naguwa; Doris I. Nakagawa;
James Nakagawa; Walter M. Nakagawa; William O. Nakagawa; Ray T.
Nakagawara; Valerie A. I. Nakahara; Stanley S. Nakakura; Masaru Nakama;
Sachiko Nakama; Daniel Nakamoto; Larry Nakamoto; Lisa Ann K. Nakamoto;
Alan M. Nakamura; Daniel K. Nakamura; Janet M. Nakamura; Judith Y.
Nakamura (for Erica S. Nakamura); Judith Y. Nakamura (for Erin E. Nakamura);

Noboru Nakamura; Pamela M. Nakamura; Tamae Nakamura; Herbert M. Nakanishi; Evelyn Y. Nakasato; Glenn I. Nakasato; Imelda C. Nakasone; Jane K. Nakasone; Toshiko Nakasone; Toshiko Nakasone (for Kenneth T. Nakasone); Toshiko Nakasone (for Nathan I. Nakasone); Darin J. Nakasu; Clyde T. Nakayama; Judith N. Nakayama; Janet H. Naumu; Janet H. Naumu (for Garrett T. Naumu); Janet H. Naumu (for Tiffany K. Naumu); Janet H. Naumu (for Trisha-Ann K. Naumu); Lloyd T. Nekoba (for Dalene N. Dutertie); Lloyd T. Nekoba (for Devon M.T. Nekoba); Patricia A. Nekoba; Patricia A. Nekoba (for Dalene N. Dutertie); Patricia A. Nekoba (for Devon M.T. Nekoba); Darwin Y. Nikaido; Craig S. Nishida; Raymond M. Nishida; Walter S. Nishigata; Lawrence M. Nishikawa; Shirley A. Nishikawa; Howard T. Nishimura; Laura M. Nishimura; Kenneth A. Nozaki; Kurt T. Nozaki; Oahu Painting & Decorating, Inc. for Jay S. Fujii; Lily M. Obatake; Paul S. Obatake; Sanford M. Oda; Verna S. Oda; Bruce K. Ogawa; Earl F. Ohara; Darryl H. Okemura; Thomas T. Okimoto; Jay J. Omaye; Jeanne S. Omaye; Baron M. Omiya; Alice K. Omura; Jimmy K. Ong; Barbara Mae Ono; Stanley K. Ono; Stanley K. Ono (for Mildred S. Ono); David K. Oride; Jo Anne Y. Oride; Drezleen Oshiro; Ambrocio Pada, Jr.; Danilo L. Pascual; Danilo L. Pascual (for Felicidad Llacuna); Marguerite K. Paty; Jeanine L. Peters-Cossey; Gaudencio A. Ponciano; Helen E. Ponciano; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Richard Chinen; Puna Plantation Hawaii,

Ltd., dba KTA Super Stores for Andrew Chun; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Sachiko T. Chun; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Harold C. Furtado, Jr.; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Gerald M. Haraguchi; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Keith T. Hayama; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Sayoko Kawasaki; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Glenn M. Kodama; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Colin Miura; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Melvin T. Morimoto; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Ronnie K. Sakoda; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Jon Taniguchi; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Vanessa M. Unoki; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Dale E. Waltjen; Raymond N. Rapalee; Francine V. Rapozo; Francine V. Rapozo (for Kyrus Fernandez); Theresa I. Redulla; Timoteo Reyes; Daniel C. Sabido; James T. Saito; Jane H. Saito; Christine S. Sakaguchi; Kenneth T. Sakai; Carl M. Sakamoto; Karen M. Sakamoto; Marc W. Sakamoto; Marc W. Sakamoto (for Lynn N. Sakamoto); Patricia T. Sakuda; Sharon J. Santana; Marie H. Sapan; Sherry C. Sasaki; Sato & Associates, Inc. for Richard M. Sato; Richard M. Sato; Bruce Savage; Colette Savage; Karen S. Sawai; Linda K. Sawai; Sadao Sawai; Alan T. Sekigawa; Stanley Y. Sekiya; Ok Hui Sellari; Shari Leigh A. Seshiki; Mizuho Shimizu;

Shaun A. Shimizu; Chiyono Shimokawa; Takashi Shirai; Sachiko Shiramizu;
Doris S. Shiroma; Kris H. Shiroma; Seiko Shiroma; Antony P. Smart; William E.
Spencer; Ronald E. Sprink; Thomas M. Suekawa; Thomas M. Suekawa, Trustee of
the Glenn Ebisuzaki Trust; Carol S. Sueyoshi; Geraldine J.K. Sugai; Pok Hui Kim
Sugita; Walter Y. Sugiura; Amy T. Sumida; Jo-Ann N. Sumida; Stuart T. Suzuki;
Sakae C. Tachino (for Shawna Masuda); Terry R. Tadaki; Todd T. Tadaki;
Robert S. Taga; Josefina R. Taitaiau; Scott I. Takahashi; Gordon K. Takaki;
Edwin T. Takara; Shinichi Takara; Dana S. Takashima; Rebecca A.W. Takashima;
Beverly S. Takemoto; Helen T. Takesue; Jarrod J. Takesue; Harumi Takuma;
Russell H. Takuma; Inez S. Takushi; Miles M. Takushi; Wayne J. Tamane;
Mineko Tamashiro; Holly K.M. Tamura; Paulette J. Tamura; Clifford T. Tanaka;
Henry K. Tancayo, Sr.; Kris Teruya; Edna K. Timario; Lucille T. Togashi;
Robert T. Togashi; Sue A. Tokuuke; Wilfred S. Tokuuke; Penelope Tom;
Terrance W.H. Tom; Warren I. Tomimoto; Eric H. Tomita; Lori M. Tomita;
Ricky N. Tomita; Faith Tomoyasu, Trustee of the Sakae Tachino Trust; Ernest H.
Tsugawa (for Wendy N. Tsugawa); Rachel T. Tsuneyoshi (for Ralph T. Yamaki);
Vincent G. Tsushima, Trustee of the William Torao Tsushima Revocable Trust;
Francis A. Uchino; Jayna C. Uyehara; Jolene A. Uyehara Auvil; Lani A. Uyeno;
Roylinne F. Wada; Waipahu Hardware & Lumber Supply Co., Ltd. for Atom G.
Yamaki; Barbara A. Wakatake; Barbara A. Wakatake (for Clifford K. Wakatake);

Jon H. Warashina; Jon H. Warashina (for Tricia M.J.K. Warashina); Richard N. West; Kolleen L. Wheeler; Robert B. Wheeler, aka R. Bruce Wheeler; Kathleen M.I. Whitt; Leonard Kwai Hin Wong, Trustee of the Leonard Kwai Hin Wong Revocable Living Trust Dated 10/6/97; Dale M. Yabiku; Naomi Y. Yabiku; Gail S. Yafuso; Atom G. Yamaki (for Ralph T. Yamaki); Steven S. Yamaki, Trustee of the Harriet T. Yamaki Irrevocable Life Insurance Trust; Clyde Yamamoto; Dale Y. Yamamoto; Jan N. Yamamoto, Trustee of the Wesley K. Yamamoto Irrevocable Trust; Jean K. Yamamoto; Wesley K. Yamamoto, Trustee of the Jan N. Yamamoto Irrevocable Trust; Arnold M. Yamane; Ronald H. Yamane; Ronald H. Yamane (for Karlyn M. Yamane); Ronald H. Yamane (for Koleen M. Yamane); Vicki M. Yamane; Nancy A. Yamasaki; Richard Y. Yamasaki; Gladys S. Yamashiro; Herbert Y. Yamashiro; Herbert Y. Yamashiro (for Kimberly M. Yamashiro); Leanna S. Yamauchi; Larry A. Yonemura; Marlene H.M. Yong; Marlene H.M. Yong (for Jason K. Yong); Marlene H.M. Yong (for Lancelot M.K. Yong); Mark M. Yoshida; Patrick M. Yoshihara; Patricia Yoshimoto (for Myron T. Yoshimoto); Harvey Y. Yoshioka; Jack F. Yoshishige; Roy I. Yoshizumi; Carolyn Young; Erwin S.T. Young; Erwin S.T. Young (for Earl S. Young); Erwin S.T. Young (for Michael P. Wooden); Tomoyo Yuruki (for Rodney Kondo); and Sheryl T. Zukeran (“Plaintiffs”) are citizens and residents of or have their principal place of business in the State of Hawai`i.

2. Plaintiffs Eric G. Bollinger, Trustee of the P & R Irrevocable Trust dated 9/13/94; Helen Y. Akashi; Helen Y. Akashi (for Agnes S. Miura); Kimberly R. Allen; Melinda R. Bollinger; Terry T. Green; Barry R. Lo; Andrew K.S. Lyum; Seamus McManus; Rex K. Moriguchi; Russell M. Sakamoto; Denise Sedeno; Raymond H. Toyama; Dana E. Walters; Earl S. Young (for Erwin S.T. Young); and Earl S. Young (for Michael P. Wooden) ("Plaintiffs") are citizens and residents of the State of California.

3. Plaintiff David H. Sasaki ("Plaintiff") is a citizen and resident of the State of Colorado.

4. Plaintiff Patrice H. Mariucci ("Plaintiff") is a citizen and resident of the State of Massachusetts.

5. Plaintiffs Patricia A. Kadokawa and Jason K. Nishigata ("Plaintiffs") are citizens and residents of the State of Nevada.

6. Plaintiff Wayne T. Yamamoto ("Plaintiff") is a citizen and resident of the State of New Hampshire.

7. Plaintiff Theresa J. Cordi ("Plaintiff") is a citizen and resident of the State of New Jersey.

8. Plaintiffs Leslie T. Baker and Sharon M. Goo ("Plaintiffs") are citizens and residents of the State of New York.

9. Plaintiffs Debbie A. Kuroiwa; Earl K. Kuroiwa; Elizabeth K. Towill (for Richard M. Towill); June C. Nakamura and Michael J. Singlehurst (“Plaintiffs”) are citizens and residents of the State of Oregon.

10. Plaintiff Jacqueline M.J. Machiguchi-Moro (“Plaintiff”) is a citizen and resident of the State of South Carolina.

11. Plaintiffs Christie L. Doucet and Russell J. Doucet (“Plaintiffs”) are citizens and residents of the State of Texas.

12. Plaintiffs Mark D. Campbell; Steven K. Ishihara; Kailua Land Company for Grace N. Maruyama; Dickson K. Maruyama, Trustee of the Dickson K. Maruyama Revocable Living Trust and Bruce T. Yamamoto (“Plaintiffs”) are citizens and residents of or have their principal place of business in the State of Washington.

13. Plaintiffs D. Kimo Kippen and Dorota Kowalska (“Plaintiffs”) are citizens and residents of or have their principal place of business in the State of Washington, D.C.

14. Plaintiffs AE Ventures for Archie Murakami; AE Ventures for Elbert T. Saito; Eric G. Bollinger, Trustee of the P & R Irrevocable Trust dated 9/13/94; Irene M. Chinen (for Roy M. Chinen); Edward Y.C. Chun, Trustee of the Donald Kim Irrevocable Trust; Edward Y.C. Chun, Trustee of the Keneze Kim Irrevocable Trust; Commercial Sheetmetal Co., Inc., for Elbert T. Saito; Leticia A.

Cuadro; Linda A. Cuppett; James N. Duca; Jack R. Dugied; John M. Enomoto; First Hawaiian Bank, Assignee for Valentine Peroff, Jr.; Kenneth T. Hashimoto; Roger M. Higa, Co-Trustee of the Charles A. Higa and Helen K. Higa Irrevocable Trust (for Charles A. Higa); Wayne H. Ichimura; Wayne M. Ichimura, Trustee of the Denise A. Higa-Ichimura Trust; Rory T. Itano; Beverly C. Kahahane; Kessner Duca Umebayashi Bain & Matsunaga for Elton John Bain; Kessner Duca Umebayashi Bain & Matsunaga for James N. Duca; Kessner Duca Umebayashi Bain & Matsunaga for Robert C. Kessner; Kessner Duca Umebayashi Bain & Matsunaga for Emma S. Matsunaga; Kessner Duca Umebayashi Bain & Matsunaga for Clyde Umebayashi; James S. Kimura, Trustee of the Gilbert J. Matsumoto Irrevocable Trust Dated June 19, 1991; D. Kimo Kippen; John T. Komeiji; Wray H. Kondo; Dorota Kowalska; Edward M. Kuba; Franklin T. Kudo, Trustee of the Benjamin Asa Kudo Irrevocable Trust; Neal K. Kunimura; Wayne T. Kunimura; Jeffrey P.S. Kunishige; Jo-Ann M.I. Kunishige; Debbie A. Kuroiwa; Earl K. Kuroiwa; Joyce A. Lee, Co-Trustee of the Charles A. Higa and Helen K. Higa Irrevocable Trust (for Charles A. Higa); Dylan Leong; John A. Lockwood; Colleen K. Martin, Trustee of the Wayne H. Takamori Irrevocable Life Insurance Trust; Ernest M. Matsukawa (for Grace T. Matsukawa); Wayne T. Matsukawa; Wayne T. Matsukawa (for Grace T. Matsukawa); Emma S. Matsunaga; Carol K.N. Matsunaga, Trustee of the Albert Y. Kanno Irrevocable

Trust; William N. Naganuma, Co-Trustee of the Shigeko Hata Irrevocable Trust; Stanley Y. Nakahara, Co-Trustee of the Shigeko Hata Irrevocable Trust; Dean S. Nakama; Allan S. Nakasone; Norman's Fender Shop, Inc. for Eileen H. Azama; Norman's Fender Shop, Inc. for Norman K. Azama; Michael T. Okada, Trustee of the Alton K. Fujii Irrevocable Trust; Michael T. Okada, Trustee of the Sandra M. Fujii Irrevocable Trust; Debra Y.K. Oxley; Puna Plantation Hawaii, Ltd., dba KTA Super Stores, for Craig T. Hamamoto; Puna Plantation Hawaii, Ltd., dba KTA Super Stores, for Derek Kurisu; Puna Plantation Hawaii, Ltd., dba KTA Super Stores, for Barry K. Taniguchi; Shaunagh G. Robbins (for Kenneth Robbins); Crystal K. Rose; Safety Systems Hawaii, Inc. for Albert Y. Kanno; Elizabeth T. Shelton (for Kirk Tyler Shelton); James S. Stone, Trustee of the Justin J. Isobe Irrevocable Trust (for John L. Reed); Karen M.N. Suwa, Trustee of the Nira K.C. Kurihara Irrevocable Trust; Avis T.W. Takamatsu; Robert T. Takamatsu; Owen R. Takemoto; The Consolidated Corp. for Paul D. Sperry; The Consolidated Corp. for Peter D. Sperry; Elizabeth K. Towill (for Richard M. Towill); Richard S. Towill; Richard S. Towill (for Richard M. Towill); Kelvin I. Uto; Howard E. Uyehara; Varsity Motors, Ltd. for Robert S. Taga; Richard C. Wagner; Vern T. Yamauchi; and Jeffrey J. Yee are/were owners of Lifestyle policies.

15. Plaintiffs Inocencio L. Abbatuan; Alfonso B. Acosta; Josanne L.K. Acosta; Helen Y. Akashi; Helen Y. Akashi (for Agnes S. Miura);

Karen M. Alba; Ronald Alba; Ernest W. Albrecht; Kimberly R. Allen; Anbe, Aruga & Ishizu, Architects, Inc. for Mitsugi Aruga; Anbe, Aruga & Ishizu, Architects, Inc. for Hachiro Ishizu; Harold H. Arakawa; Harold H. Arakawa (for Earl N. Arakawa); Vivian M. Arakawa; Barbara Ann Asato; Clyde S. Asato; Glenn S. Asato; Jean S. Atsumi; Caroline E. Aylward; Henry W. Aylward; Jo Ann S. Baidack; Leslie T. Baker; Nathaniel W. Baker; Bank of Hawaii, formerly dba Pacific Century Trust, Trustee of the Frances M. Yamaki Irrevocable Trust; Bank of Hawaii, formerly dba Pacific Century Trust, Trustee of the Roy T. Yamaki Irrevocable Trust; Jill E. Baptist; Lucia P. Batoon; Lynette Becker; Richard Bell; Justino Bermodez; Myong S. Bermodez; Floyd F. Bock, Jr.; Patti Jo K.H. Bock; Melinda R. Bollinger; Karen Britos; Linda L. Caires; Frederick E. Calleon; Frederick E. Calleon (for Kevin M. Calleon); Frederick E. Calleon (for Ryan K. Calleon); Mark D. Campbell; Thelma T.C. Chang; Wah Chiu Chang, Trustee of the Wah Chiu Chang Revocable Living Trust; Wah Chiu Chang, Trustee of the Wah Chiu Chang Revocable Living Trust (for Annie K.S. Chang); Cheryl K. Chinen; Dean K. Chinen; Keith M. Chinen; Ann S. Ching; Wilfred C.Y. Chock; Roberta Y.L. Chong Kee; Joanne S. ChongKee; Joanne S. ChongKee (for Craig ChongKee); Patrick H. ChongKee; Arthur A.H. Chow; Joy M. Chow; Christl Coleman; Violet H. Cook; Violet H. Cook (for Valta A. Cook); Theresa J. Cordi; Craig W. Cossey; Leslene Y. Cruz; Zita C. Cruz-Bristol; Dennis R. Cuizon;

Jeffrey R. Cuppett; Linda S. Daida; Francis D. Daquioag, Jr.; Duane Delos Santos; Christie L. Doucet; Russell J. Doucet; Vilma K.Y. Dung; Wallace S.H. Dung; Alvin H. Ebisuya; Alvin H. Ebisuya (for Brant Ebisuya); Engineering Concepts, Inc. for Kenneth T. Ishizaki; Engineering Concepts, Inc. for Kay Muranaka; Engineering Concepts, Inc. for Barbara S. Sasaki; Damiana F.I. Espiritu; FCH Enterprises, Inc., Trustee of the Zippy's, Inc. Profit Sharing Plan for Miles M. Furuta; FCH Enterprises, Inc., Trustee of the Zippy's, Inc. Profit Sharing Plan for Barney S. Higa; FCH Enterprises, Inc., Trustee of the Zippy's, Inc. Profit Sharing Plan for Charles A. Higa; FCH Enterprises, Inc., Trustee of the Zippy's, Inc. Profit Sharing Plan for Tredious H. Kusaka; Kathleen Figueira; Russell Figueiroa; Ruth S. Fong; Paul D. Fowler; Allen H. Fujii; Jay S. Fujii; Francene Y. Fujioka; Francis S. Fujioka; Stanley M. Fujisaka; Roy K. Fujishige; Roy K. Fujishige (for Karen M. Fujishige); Stephanie M. Fukuoka; Steven H. Fukuoka (for Criss H. Fukuoka); Steven H. Fukuoka (for Joey Y.L. Fukuoka); Patsy M. Fukushima; Vic R. Garcia; Sachiko Gardner; Toshiko Garrett; Toshiko Garrett (for Albert K. Nakamoto); Claire C. Gibo; Nora Ginoza; Stacey Y. Ginoza, Trustee for Stanley Ginoza; Marie A. Gonsalves; Marie A. Gonsalves (for David Gonsalves); Marie A. Gonsalves (for Gary K. Gonsalves); Roy D. Gonsalves; Mildred D. Goo; Sharon M. Goo; Roberta N. Goya-Oshiro; Grace's Drive Inn, Inc. for Takashi Kiyozuka; Grace's Drive Inn, Inc. for Yoko Kiyozuka; Terry T. Green; Felipe S.

Guerrero; Susan S. Hagiwara; Gerald N. Hamada; Karen H. Hamada; Michael L. Hamada; Eleanor T. Handa; Eleanor T. Handa (for Rae M. McAllister); Robert J. Handa; Harlan F. Harada; Pamela M.H. Harada; Richard A. Hargrave; April Hasegawa (for Kyle Hasegawa); April Hasegawa (for Ronald M. Hasegawa); April Hasegawa (for Wade Hasegawa); Ronald M. Hasegawa; Wes E. Hashimoto; Carl K. Hatayama; Calvin K. Hayashi; Mark S. Hayashi; Audrey T. Hedani; Jan T. Hedani; Charles K. Hekekia; Charles K. Hekekia (for Chad K. Hekekia); Charles K. Hekekia (for Chaney K. Hekekia); Charles K. Hekekia (for Chauncy K. Hekekia); Charles K. Hekekia (for Chris K. Hekekia); Chazz K. Hekekia; Pualeinani K. Hekekia; Joleen T. Higa; Terry T. Higa; Terry T. Higa (for Lee Y. Higa); Terry T. Higa (for Ty T. Higa); Sadako Higashi; Takeshi Higashi; Vincent S. Higashi; Joan H. Higuchi; Charles C. Hill; Faye M. Hinochi; Eric Hinokawa; Mercedes Hinokawa; Howard K. Hirata (for Ayame Hirata); JoAnn M. Hirata; Patricia R. Hirata; Patricia R. Hirata (for Ayame Hirata); Ronald Y. Hirata; Roy A. Hirata; Roy A. Hirata (for Kavin I. Hirata); Janet S. Hirata-Pentz (for Ayame Hirata); Magdalene K. Ho; Owen M. Ho; Corinne O. Hoffler-Omura; Hazel H. Hoke; Roy S. Honda; Todd M. Horita, Trustee of the Marian M. Horita Irrevocable Trust; Horwath Kam & Company for Amelia L. Kam; Horwath Kam & Company for Howard K. Kam, Jr.; Horwath Kam & Company for Susan E. Mita; Arlene P. Hue; Richard Hue; Richard Hue (for Keith Hue); Richard

Hue (for Kevin Hue); Richard Hue (for Kurt Hue); Faye T. Ichimura; Wayne M. Ichimura; Tsutomu Ihara; Betty K. Ikeda; Dana W. Ikuta; Wendell Y. Ikuta; Anden D.U. Imamura; Ann K. Imamura; DeAnne K.M. Imamura; Dena L. Imamura; Dennis O. Imamura; Alexander L. In; Arthur K. Inada; Craig K. Inouye; Keiji Inuo; Masako Inuo; Kaoru Isagawa; Stanley N. Ishida; Steven K. Ishihara; Corlis O. Ishikawa; Taeko Ishikawa; Terrence T. Ishikawa; Alan I. Itsuno; Kenneth T. Iwai; Gloria L. Iwamoto; Mieko Iwamoto; Richard E. Iwasaki; Sue H. Iwasaki; Ritsuko Kaai; Patricia A. Kadokawa; Lea M. Kagawa; Lea M. Kagawa (for Agnes S. Miura); Kailua Land Company for Grace N. Maruyama; Clara M.H. Kajiwara; Jesse I. Kajiwara; Susan T. Kajiwara; Susan T. Kajiwara (for Jodi S. Kajiwara); Gregg K. Kakesako; Leatrice T. Kakesako; Arline S. Kakimoto; Raymond Y. Kakimoto; Kenneth J. Kaku; Henley K.H. Kam; Lynn M. Kam; Kenneth A. Kamakura, Trustee of the Aileen A. Kamakura Trust; Dwight K. Kamidoi; Burt S. Kamigaki; Burt S. Kamigaki (for Corrie F. Kamigaki); Burt S. Kamigaki (for Erin K. Kamigaki); Burt S. Kamigaki (for Kellie S. Kamigaki); Gail M. Kamitaki; Guy K. Kamitaki; Lyle S. Kanemaru; Clara A. Kanno; Andrew M. Kasaoka; Andrew M. Kasaoka (for Kelly T. Kasaoka); Andrew M. Kasaoka (for Trent M. Kasaoka); Harold T. Kasaoka; June K. Kasaoka; Lorna T. Kasaoka; Earl Kashiwagi; Bernice S. Katada; Dianne N. Katsutani; Glenn A. Katsutani; Bertha K.W. Kaui; James A. Kawachika; Amy S. Kawamata; Bert I.

Kawamoto; Helen H. Kayahara; Stephen W. Kear; Donna S. Kekina; Donna S. Kekina (for Bryce Kekina); Stanley K. Kekina; Lucille K. Kelley; Shawn A. Keolanui; Martha T. Kersting; Kneil K.J. Kim; Charles G. Kimura; Judith M. Kimura, Trustee of the Irrevocable Life Insurance Trust of Ronald K. Kimura; Kenneth S. Kimura; Ronald K. Kimura (for Ron Y. Kimura); Ronald K. Kimura (for Stan M. Kimura); Ronald K. Kimura (for Salena M. Makia); Ronald K. Kimura (for Dell H. Manini); Ronald K. Kimura (for Melanie M. Martin); Machiko Kinoshita (for Myra Kinoshita); Machiko Kinoshita (for Nobuo Kinoshita); Machiko Kinoshita (for William Kinoshita); Nobuo Kinoshita; Paul T. Kinoshita; Stephanie P. Kinoshita; Colin C. Kippen; Takashi Kiyozuka; Yoko Kiyozuka; Ivan T. Kobayashi (for Davis Kobayashi; Ivan T. Kobayashi (for Vance Kobayashi); Joanne T. Kobayashi; Lynn M. Kobayashi; Lynn M. Kobayashi (for Agnes S. Miura); Michael K. Kobayashi; Owen K. Kobayashi; Audrey M. Koga; Audrey M. Koga (for Marnie Hursty); Malcolm T. Koga, Trustee of the Carol S. Koga Irrevocable Trust; Marvin R. Koga; Sherri H. Koide; Blane H. Kojima; Henry K. Kojima; Henry K. Kojima (for Evan S. Kojima); Terri-Lynn E. Kojima; Russell S. Kokubun; Midori M. Kono; Charlotte L. Koo; Charlotte L. Koo (for Leianne K. Koo Andrade); Charlotte L. Koo (for Nicole A.K. Kuamoo); Charlotte L. Koo (for Jane T. Suzuki); Kimiko Koyanagi; Barbara H. Kuba; Edward M. Kuba; Ralph Kuheana; Guy I. Kumashiro; Paul T. Kumashiro; Neal K.

Kunimura; Ethel M. Kunishige; Chester C. Kunitake; Gilbert S. Kurata; Lynn Kurata; Daniel K. Kurose; Kenneth C.W. Kwock; Kenneth C.W. Kwock (for Philip G.G. Kwock); Kenneth C.W. Kwock (for Stephen G.H. Kwock); Queenie W. Kwock; Fotenciana K.J. La Benz; William F. Larsen, Jr.; Allen M. Lau; Maude Lau; Reid K. Lau; Walter T.Y. Lau; Winifred T. Lau; Gordon A. Lee; Gordon L. Lee; Linda K.L. Lee; Margaret R. Lee; Ronald E. Lee; Sue Young Sook Lee; Moana G.C.F. Leong; Debra B.J. Lew-Wong (for Tiffany M. Wong); Debra B.J. Lew-Wong (for Troy T. Wong); Debra B.J. Lew-Wong, Trustee of the Debra Lew-Wong Revocable Living Trust; Teruko Lewin; John W. Ling; Joyce C. Ling; Barry R. Lo; Gaylene M. Logan; Gaylene M. Logan (for Jordan K. Yoneda); Lokahi Pacific, Assignee for Sandra Nagano; Dennis M.C. Loui; Andrew K.S. Lyum; Matthew K.S. Lyum; Nancy K. Lyum; Michele T. Ma; Jacqueline M.J. Machiguchi-Moro; Donald B. MacKintosh II; Lois M. MacKintosh; Thomas S. Maeda; Dudley K. Makahanaloa; Saburo Makinodan; Cecilia D. Manungas; Richard R. Manungas; Patrice H. Mariucci; Colleen K. Martin; Colleen K. Martin, Trustee of the Cynthia H. Takamori Irrevocable Life Insurance Trust; Colleen K. Martin, Trustee of the Wayne Takamori Irrevocable Life Insurance Trust; Janet C. Martin; Alice F. Maruyama; Dickson K. Maruyama, Trustee of the Dickson K. Maruyama Revocable Living Trust; Henry T. Maruyama; Carol M. Masuda; Sharon Y. Masuda; Donna K. Masuda-Kam (for Kelsey K. Kam); Donna K.

Masuda-Kam (for Korey Kam); Charlene M. Matsumoto; Gilbert J. Matsumoto (for Eunice T. Matsumoto); Kenneth M. Matsumoto; Scott T. Matsumoto; Wayne K. Matsumoto; Jessie H. Matsunaga; Darlyn M. Mauricio; Darlyn M. Mauricio (for Kiana K. Raquino); Darlyn M. Mauricio (for Richard W. Raquino); Sandra L. McDowell; Seamus McManus; Mega Construction, Inc. for Marvin R. Koga; Mega Construction, Inc. for Milton M. Koga; Mega Construction, Inc. for Bert H. Kunihisa; Arleen E. Miho; Stanley M. Mikami; Gerald W. Miller; Kathleen M. Miller; Dale Y. Mitsui; Hideaki Mitsui; Michael T. Miyabara; Allan S. Miyamoto; Allan S. Miyamoto (for Brian Miyamoto); Dianne H. Miyamoto; Florence E. Miyasaki; Florence E. Miyasaki (for Kenzo Miyasaki); Albert T. Miyasato; Laurie K. Miyasato; Tiare L. Miyasato; Clifford H. Miyashiro; Rex K. Moriguchi; Alan Y. Mukai; Etsuko M. Murakami; George Y. Murakami; Iris Y.T. Murakami; Sadie D.M. Murakami (for Eunice T. Matsumoto); Walter J. Murakami; Kenneth M. Muranaka; Allen T. Murayama; Allen T. Murayama (for Stephanie H. Murayama); Carl A. Nacario; Lilian Y. Nagaji; Glenn S. Nagamine; Dorothy S. Naguwa; Toshikatsu Naguwa; Doris I. Nakagawa; James Nakagawa; Walter M. Nakagawa; William O. Nakagawa; Ray T. Nakagawara; Valerie A.I. Nakahara; Stanley S. Nakakura; Masaru Nakama; Sachiko Nakama; Daniel Nakamoto; Larry Nakamoto; Lisa Ann K. Nakamoto; Alan M. Nakamura; Daniel K. Nakamura; Janet M. Nakamura; Judith Y. Nakamura (for Erica S.

Nakamura); Judith Y. Nakamura (for Erin E. Nakamura); June C. Nakamura; Noboru Nakamura; Pamela M. Nakamura; Tamae Nakamura; Herbert M. Nakanishi; Evelyn Y. Nakasato; Glenn I. Nakasato; Imelda C. Nakasone; Jane K. Nakasone; Toshiko Nakasone; Toshiko Nakasone (for Kenneth T. Nakasone); Toshiko Nakasone (for Nathan I. Nakasone); Darin J. Nakasu; Clyde T. Nakayama; Judith N. Nakayama; Janet H. Naumu; Janet H. Naumu (for Garrett T. Naumu); Janet H. Naumu (for Tiffany K. Naumu); Janet H. Naumu (for Trisha-Ann K. Naumu); Lloyd T. Nekoba (for Dalene N. Dutertie); Lloyd T. Nekoba (for Devon M.T. Nekoba); Patricia A. Nekoba; Patricia A. Nekoba (for Dalene N. Dutertie); Patricia A. Nekoba (for Devon M.T. Nekoba); Darwin Y. Nikaido; Craig S. Nishida; Raymond M. Nishida; Jason K. Nishigata; Walter S. Nishigata; Lawrence M. Nishikawa; Shirley A. Nishikawa; Howard T. Nishimura; Laura M. Nishimura; Kenneth A. Nozaki; Kurt T. Nozaki; Oahu Painting & Decorating, Inc. for Jay S. Fujii; Lily M. Obatake; Paul S. Obatake; Sanford M. Oda; Verna S. Oda; Bruce K. Ogawa; Earl F. Ohara; Darryl H. Okemura; Thomas T. Okimoto; Jay J. Omaye; Jeanne S. Omaye; Baron M. Omiya; Alice K. Omura; Jimmy K. Ong; Barbara Mae Ono; Stanley K. Ono; Stanley K. Ono (for Mildred S. Ono); David K. Oride; Jo Anne Y. Oride; Drezleen Oshiro; Ambrocio Pada, Jr.; Danilo L. Pascual; Danilo L. Pascual (for Felicidad Llacuna); Marguerite K. Paty; Jeanine L. Peters-Cossey; Gaudencio A. Ponciano; Helen E.

Ponciano; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Richard Chinen; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Andrew Chun; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Sachiko T. Chun; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Harold C. Furtado, Jr.; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Gerald M. Haraguchi; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Keith T. Hayama; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Sayoko Kawasaki; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Glenn M. Kodama; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Colin Miura; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Melvin T. Morimoto; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Ronnie K. Sakoda; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Jon Taniguchi; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Vanessa M. Unoki; Puna Plantation Hawaii, Ltd., dba KTA Super Stores for Dale E. Waltjen; Raymond N. Rapalee; Francine V. Rapozo; Francine V. Rapozo (for Kyrus Fernandez); Theresa I. Redulla; Timoteo Reyes; Daniel C. Sabido; James T. Saito; Jane H. Saito; Christine S. Sakaguchi; Kenneth T. Sakai; Carl M. Sakamoto; Karen M. Sakamoto; Marc W. Sakamoto; Marc W. Sakamoto (for Lynn N. Sakamoto); Russell M. Sakamoto; Patricia T. Sakuda; Sharon J. Santana; Marie H. Sapan; David H. Sasaki; Sherry C. Sasaki; Sato & Associates, Inc. for Richard M. Sato; Richard M. Sato; Bruce Savage;

Colette Savage; Karen S. Sawai; Linda K. Sawai; Sadao Sawai; Denise Sedeno; Alan T. Sekigawa; Stanley Y. Sekiya; Ok Hui Sellari; Shari Leigh A. Seshiki; Mizuho Shimizu; Shaun A. Shimizu; Chiyono Shimokawa; Takashi Shirai; Sachiko Shiramizu; Doris S. Shiroma; Kris H. Shiroma; Seiko Shiroma; Michael J. Singlehurst; Antony P. Smart; William E. Spencer; Ronald E. Sprink; Thomas M. Suekawa; Thomas M. Suekawa, Trustee of the Glenn Ebisuzaki Trust; Carol S. Sueyoshi; Geraldine J.K. Sugai; Pok Hui Kim Sugita; Walter Y. Sugiura; Amy T. Sumida; Jo-Ann N. Sumida; Stuart T. Suzuki; Sakae C. Tachino (for Shawna Masuda); Terry R. Tadaki; Todd T. Tadaki; Robert S. Taga; Josefina R. Taitaiau; Scott I. Takahashi; Gordon K. Takaki; Edwin T. Takara; Shinichi Takara; Dana S. Takashima; Rebecca A.W. Takashima; Beverly S. Takemoto; Helen T. Takesue; Jarrod J. Takesue; Harumi Takuma; Russell H. Takuma; Inez S. Takushi; Miles M. Takushi; Wayne J. Tamane; Mineko Tamashiro; Holly K.M. Tamura; Paulette J. Tamura; Clifford T. Tanaka; Henry K. Tancayo, Sr.; Kris Teruya; Edna K. Timario; Lucille T. Togashi; Robert T. Togashi; Sue A. Tokuuke; Wilfred S. Tokuuke; Penelope Tom; Terrance W.H. Tom; Warren I. Tomimoto; Eric H. Tomita; Lori M. Tomita; Ricky N. Tomita; Faith Tomoyasu, Trustee of the Sakae Tachino Trust; Raymond H. Toyama; Ernest H. Tsugawa (for Wendy N. Tsugawa); Rachel T. Tsuneyoshi (for Ralph T. Yamaki); Vincent G. Tsushima, Trustee of the William Torao Tsushima Revocable Trust; Francis A. Uchino;

Jayna C. Uyehara; Jolene A. Uyehara Auvil; Lani A. Uyeno; Roylinne F. Wada; Waipahu Hardware & Lumber Supply Co., Ltd. for Atom G. Yamaki; Barbara A. Wakatake; Barbara A. Wakatake (for Clifford K. Wakatake); Dana E. Walters; Jon H. Warashina; Jon H. Warashina (for Tricia M.J.K. Warashina); Richard N. West; Kolleen L. Wheeler; Robert B. Wheeler, aka R. Bruce Wheeler; Kathleen M.I. Whitt; Leonard Kwai Hin Wong, Trustee of the Leonard Kwai Hin Wong Revocable Living Trust Dated 10/6/97; Dale M. Yabiku; Naomi Y. Yabiku; Gail S. Yafuso; Atom G. Yamaki (for Ralph T. Yamaki); Steven S. Yamaki, Trustee of the Harriet T. Yamaki Irrevocable Life Insurance Trust; Bruce T. Yamamoto; Clyde Yamamoto; Dale Y. Yamamoto; Jan N. Yamamoto, Trustee of the Wesley K. Yamamoto Irrevocable Trust; Jean K. Yamamoto; Wayne T. Yamamoto; Wesley K. Yamamoto, Trustee of the Jan N. Yamamoto Irrevocable Trust; Arnold M. Yamane; Ronald H. Yamane; Ronald H. Yamane (for Karlyn M. Yamane); Ronald H. Yamane (for Koleen M. Yamane); Vicki M. Yamane; Nancy A. Yamasaki; Richard Y. Yamasaki; Gladys S. Yamashiro; Herbert Y. Yamashiro; Herbert Y. Yamashiro (for Kimberly M. Yamashiro); Leanna S. Yamauchi; Larry A. Yonemura; Marlene H.M. Yong; Marlene H.M. Yong (for Jason K. Yong); Marlene H.M. Yong (for Lancelot M.K. Yong); Mark M. Yoshida; Patrick M. Yoshihara; Patricia Yoshimoto (for Myron T. Yoshimoto); Harvey Y. Yoshioka; Jack F. Yoshishige; Roy I. Yoshizumi; Carolyn Young;

Earl S. Young (for Erwin S.T. Young); Earl S. Young (for Michael P. Wooden); Erwin S.T. Young; Erwin S.T. Young (for Earl S. Young); Erwin S.T. Young (for Michael P. Wooden); Tomoyo Yuruki (for Rodney Kondo); and Sheryl T. Zukeran are/were owners of Lifetime policies.

16. Defendant Conseco Life Insurance Company is a corporation with its principal place of business in the State of Indiana.

17. Conseco Life Insurnace Company was admitted to transact the business of insurance in the State of Hawai`i on October 1, 1981, continues to be regularly engaged in the business of insurance in Hawai`i, and collects substantial revenues from Hawai`i policyholders.

18. Massachusetts General Life Insurance Company was admitted to transact the business of insurance in the State of Hawai`i on October 1, 1981, until it was merged with Conseco Life Insurance Company effective November 30, 1997.

19. Philadelphia Life Insurance Company was admitted to transact the business of insurance in the State of Hawai`i on October 31, 1983, until it was merged with Conseco Life Insurance Company effective December 31, 1998.

20. Conseco Life, including its Massachusetts General Life Insurance Company and Philadelphia Life Insurance Company predecessors, has

collected in excess of one hundred (100) million dollars from Hawai'i insurance consumers to date.

21. Defendant Conseco Life Insurance Company is liable as a successor entity to Massachusetts General Life Insurance Company and Philadelphia Life Insurance Company.

22. Defendant Conseco, Inc., at all relevant times was, and is, a corporation duly organized and existing under and by virtue of the laws of the State of Delaware and, by virtue of its ownership, dominion and control over Conseco Life, transacted the business of insurance in the State of Hawaii and within this jurisdictional district. Conseco, Inc., became the successor entity to a former entity also known as Conseco ("pre-bankruptcy entity"), when the company emerged from bankruptcy protection in August/September 2003.

III. JURISDICTION AND VENUE

23. Conseco, Inc., is incorporated in the State of Delaware and has its principal place of business in Indiana. Conseco Life is incorporated in and has its principal place of business in the State of Indiana. Plaintiffs are citizens of states other than Delaware and Indiana. The amount in controversy herein, exclusive of interest and costs, exceeds \$75,000. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. 1332.